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United States Department of the Interior
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UNEMPLOYMENT INSURANCE INFORMATION
FOR
FISHERMEN AND ALLIED WORKERS[1/]

CHESAPEAKE BAY STATES
MARYLAND
VIRGINIA

MARYLAND

Source: Maryland Unemployment Compensation Law (original act effective December 17, 1936; latest amendments effective June 1, 1945.)

Fishermen and Allied Workers Covered.--These workers are not covered under the Maryland Unemployment Compensation Law, according to a statement of January 10, 1945, signed by the Chairman of the Unemployment Compensation Board, quoted, in part, as follows:

" . . . . you are correct in your assumption that fishermen and allied workers are not covered under the Maryland Compensation Law."

Although fishermen and allied workers are not covered, the following general information is presented.

Note: This information is a digest of Unemployment Insurance Laws (as of September 1, 1945) with specific application to fishermen and allied workers in the States of Maryland and Virginia. This presentation is necessarily not complete; it is an interpretation by the Fish and Wildlife Service of the existing laws, and is subject to correction by courts or administrative agencies.

1/ Compiled by the Economics and Cooperative Marketing Section, Division of Commercial Fisheries.

Employment Not Covered.--Services of: (a) an officer or member of the crew of a vessel on the navigable waters of the United States; (b) family services except children under the age of 21 in the employ of their father or mother; (c) services for fishermen's cooperative organizations if performed by students; if wages in any calendar quarter do not exceed $45; (d) casual labor, after January 1, 1945, not in the course of the employer's usual trade, occupation, profession or business.

Employers Covered.--Those having one or more employees at any time.

Eligibility of Employees

(1) Minimum amount of earnings necessary - $210, or 30 times minimum weekly benefit amount.
(2) Waiting period - no waiting period before receiving unemployment insurance benefits.

Payments

(1) Maximum and minimum weekly benefit payments - $20 is the maximum amount that any applicant may receive weekly, and $7 is the minimum amount that may be received weekly as unemployment benefits, less wages, if any, in excess of $2.
(2) Maximum number of weeks payable - the maximum number of weekly benefits that may be received is 26. However, if one-fourth of the wages paid during the preceding calendar year is lesser, that is the amount which the applicant may be entitled to receive.
(3) The maximum total benefits that an applicant terminated from military service may receive is one-fourth of the wages paid during the base period determined by the Board.

Contributions

(1) Employers contribute from 0.9% to 2.7% of wages paid (not in excess of $3,000) to each employee. Rates are adjusted by the Board according to employment record.
(2) Employees contribute no part of wages toward unemployment benefits.

Disqualifications for Benefits.--Applicant is disqualified in the following cases:

(1) Leaving Work Voluntarily.--For the week in which he has left work voluntarily without good cause, if so found by the Board, and for not less than the one or more than the nine weeks which immediately follow such week as determined by the Board according to the circumstances in each case.
(2) Discharge for Misconduct.--For the week in which he has been discharged for misconduct connected with his work, if so found by the Board, and for not less than the one or more than the nine weeks which immediately follow such week as determined by the Board in each case according to the seriousness of the misconduct.

(3) Failure to Apply for or to Accept Suitable Work.--If the Board finds that he has failed, without good cause, either to apply for available suitable work when so directed by the Board or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the Board. Such disqualification shall continue for the week in which such failure occurred and for not less than the one or more than the nine weeks which immediately follow such week, as determined by the Board according to the circumstances in each case.

In determining whether or not any work is suitable for an individual, the Board shall consider the following: (a) degree of risk involved to his health, safety, and morals; (b) physical fitness and prior training; (c) experience and prior earnings; (d) length of unemployment and prospects for securing local work in his customary occupation; (e) the distance of the available work from his residence.

Notwithstanding any other provisions of this Act, no work shall be deemed suitable and benefits shall not be denied under this Act to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) if the position offered is vacant due directly to a strike, lockout, or other labor dispute; (b) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(4) Labor Dispute.--For any week with respect to which the Board finds that his unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he is or was last employed. This disqualification shall not apply if it is shown to the satisfaction of the Board that: (a) he is not participating in, or financing, or directly interested in the labor dispute which caused the stoppage of work; (b) he does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in, or financing, or directly interested in the dispute. If in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for this purpose, be deemed to be a separate factory, establishment, or other premises.

(5) Pregnancy.--If it shall be found by the Board that total or partial unemployment is due to pregnancy, provided, in any

event, no woman shall be eligible to receive benefits within two months before childbirth and within two months after the date of childbirth, in either of which cases the Board may require the production of doctor's certificates to establish such dates.

(6) Receipt of Other Compensation.--(a) For any week with respect to which or a part of which he has received or is seeking unemployment benefits under an unemployment compensation law of another State or of the United States; provided, that if the appropriate agency of such other State or of the United States finally determines that he is not entitled to such unemployment benefits, this disqualification shall not apply. (b) If, under an Act of Congress, payments with respect to the unemployment of applicants who have completed a period of military service are payable by the United States, such applicants shall be disqualified for benefits until all rights to such payments from the United States have been exhausted.

Where to Apply for Benefits.--Register at the local United States Employment Service Office immediately upon becoming unemployed.

VIRGINIA

Source: Virginia Unemployment Compensation Act (original act effective December 18, 1936; latest amendment effective March 11, 1944).

Fishermen and Allied Workers Covered.--These workers are covered under the Virginia Unemployment Compensation Act both as full time and as seasonal employees. The Unemployment Compensation Commission in a statement of April 20, 1945, comments, in part, as follows:

" . . . . we have followed the rule laid down by the New Jersey Supreme Court in the case of Shore Fishery, Incorporated, vs. Board of Review of New Jersey Commission . . . This case dealt with individuals engaged in pound fishing. We deem such individuals to be in covered employment, since they are not primarily engaged in navigation . . . This State has always processed the claims of seasonal workers without regard to such status, and continues to pay benefits to this group of workers during any period of unemployment if they are in all respects entitled thereto."

This statement is further implemented by a General Counsel Opinion (L. M. 538, October 10, 1941), which states, in part, that persons engaged in catching fish and gathering oysters in the navigable waters of Virginia are held not exempt.

Employment Not Covered.--Services of: (a) members of a crew of a vessel on the navigable waters of the United States; (b) family services; (c) fraternal and beneficiary organizations and students.

Employers Covered.--Those having eight or more employees in any 20 weeks during the current or preceding calendar year.

Eligibility of Employees

(1) Minimum amount of earnings - 25 times weekly benefit amount, or $100.

(2) Waiting period - an applicant must wait one week of full unemployment before receiving benefits.

Payments

(1) Maximum and minimum weekly benefit payments - $15 is the maximum amount that applicant may receive weekly and $4 is the minimum that he may receive weekly as unemployment insurance benefits less wages, if any, in excess of $2.

(2) Maximum number of weeks payable - 16 weeks.

Contributions

(1) Employers contribute a tax of 1% to 2.7% of wages paid (not in excess of $3,000) to each employee. Amount of contribution is adjusted according to employer's records.

(2) Employees contribute no part of wages toward unemployment benefits.

Disqualifications for Benefits.--Applicant is disqualified in the following cases:

(1) Leaving Work Voluntarily.--For not less than one or more than five consecutive weeks beginning with the first day after the disqualifying act occurs, if it is determined by the Commission that such individual is unemployed because he left work voluntarily without good cause involving fault on the part of the employer.

(2) Discharge for Misconduct.--For not less than one or more than nine consecutive weeks beginning with the first day after the disqualifying act occurs, if it is determined by the Commission that such individual is unemployed because he has been discharged for misconduct connected with his work.

(3) Failure to Apply for or to Accept Suitable Work.--For not less than one or more than five consecutive weeks if it is determined by the Commission that such individual has registered for work or has made a claim for benefits and thereafter has failed, without good cause, either to apply for available work when so directed by the employment office or the Commission, or to accept suitable work when offered him, or to return to his customary self-employment, if any, when so directed by the Commission.

In determining whether or not any work is suitable for an individual, the Commission shall consider the following: (a) degree of risk involved to his health, safety, and morals; (b) physical fitness and prior training; (c) his experience and prior earnings; (d) his length of unemployment and prospects for securing local work in his customary occupation; (e) distance of the available work from his residence.

Notwithstanding any other provisions of this Act, no work shall be deemed suitable and benefits shall not be denied under this Act to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) if the position offered is vacant due directly to a strike, lockout, or other labor dispute; (b) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(4) Labor Dispute.--For any week with respect to which the Commission finds that his total or partial unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he is or was last employed. In addition, the total amount of benefits to which he otherwise would be entitled will be reduced as if they had been paid. This disqualification shall not apply if it is shown to the satisfaction of the Commission that: (a) he is not participating in, or financing, or directly interested in the labor dispute which caused the stoppage of work; (b) he does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurred, any of whom are participating in, or financing, or directly interested in the dispute; (c) separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for this purpose, be considered as a separate factory, establishment, or other premises.

(5) Receipt of Other Compensation.--For any week with respect to which or a part of which he has received or is seeking unemployment benefits under an unemployment compensation law of any other State or of the United States; provided, that if the appropriate agency of such other State or of the United States finally determines that he is not entitled to such unemployment benefits, this disqualification shall not apply.

Where to Apply for Benefits.--Register at the local United States Employment Service Office immediately upon becoming unemployed.

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